

REMARKS

The Office Action mailed on August 11, 2008, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1, 3-14, 16-18, and 31-43 were pending, with claims 14, 16-18 and 31-43 standing withdrawn. By this paper, Applicants do not add or cancel any claims. Therefore, claims 1, 3-14, 16-18 and 31-43 remain pending.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Interviews of November 5 and 6, 2008

Examiner Wang and Supervisor Ryan are thanked for extending the courtesy of various interviews to Applicants' representative on November 5 and 6, 2008. During the interview of November 5, 2008, Applicants' representative outlined arguments regarding the allowability of the claims in view of Yoshida. During the interview of November 06, 2008, Applicants reiterated those arguments. As a result of this latter interview, it was agreed that the current rejections of the claims would be withdrawn.

In view of the Interviews held on November 5 and 6, 2008, Applicants submit that the above, in combination with the Interview Summary (a copy of which is attached in Appendix A) provides a complete and proper recordation of the substance of the interview, per MPEP §713.04.

Rejections Under 35 U.S.C. § 102

Claims 1, 4-7, 9, 11, 13 and 14¹ stand rejected under 35 U.S.C. §102(b) as being anticipated by Yoshida (EP 0858120). In response, Applicants traverse the rejection.

As was detailed and agreed to during the interview of November 06, 2008, Yoshida does not teach the claimed density gradient. Instead, it merely teaches the filling of voids in

¹ Claim 14 was rejected even though it was also indicated as being withdrawn.

certain areas. Accordingly, Yoshida cannot anticipate any claim now pending. Reconsideration is requested.

Rejections Under 35 U.S.C. § 103

Claims 3, 8, 10, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Tanjo (United States Patent Application Publication No. 2002/0028380). In response, Applicants respectfully traverse this rejection.

As detailed above, Yoshida is flawed with respect to the independent claims. Accordingly, the rejections proffered in the Office Action based on Yoshida, such as the obviousness rejections, cannot be sustained. Reconsideration is requested.

Rejoinder of Claims 14, 16-18 and 31-43

Claims 14 and 16-18 and 31-43 stand withdrawn. Applicants note that claims 31-42 depend either directly or ultimately from claim 1. Moreover, the remaining withdrawn claims, claims 14 and its dependencies, contain recitations which are consistent with the recitations of claim 1 with respect to the patentability of claim 1. Applicants respectfully request that these claims be rejoined and allowed due to their dependency / similarity to claim 1, a claim which should be allowed. Applicants respectfully submit that no significant burden is placed on the PTO by rejoining and examining these claims. Indeed, such action is concomitant with the indication that “upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.”

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Wang is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

11/12/2008

By

[Signature]

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4747
Facsimile: (202) 672-5399

Martin J. Cosenza
Attorney for Applicants
Registration No. 48,892

APPENDIX A